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To: CARL D. PRICE FAX #: (703) 305-3463  
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GAU 3743  
\_\_\_\_\_  
\_\_\_\_\_  
Pages: \_\_\_\_\_  
(Including cover sheet)

From: JOHN B. SOWELL Phone #: (215) 986-5094  
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Subject: USSN 08/528,866 PAPER No 5 MAILED 16 MAY 1998  
REQUEST FOR WITHDRAWAL OF A NOTICE OF ABANDONMENT

Messages: TRUE COPY AS FILED WAS 4 PAGES AS ENCLOSED

**FAX RECEIVED**  
**OCT 14 1998**  
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

16 May 98

Applicant: Daniel C. Shimak et al

Serial No.: 08/538,866

Filed: 19 January 1996

Title: UNIVERSAL NON-POROUS FIBER REINFORCED  
TION CHAMBER FIREPLACE

Docket No.: RS-025

Art Unit: 3743

Examiner: Carl D. Price

Last Office Action: 27 April 1998

Paper No. 5

Honorable Commissioner of Patent & Trademarks  
Washington, D.C. 20231Request For Withdrawal of A Notice of Abandonment

In response to the notice of abandonment dated 27 April 1998, Applicants request that the application be reinstated for the reasons that follow:

REMARKS

After receiving the above-mentioned Notice of Abandonment Applicants' attorney checked his docket and determined that a timely response had been prepared and filed. Applicants' then called the Examiner Mr Carl D. Price and explained that a response had been timely filed. The Examiner asked for proof including a copy of the return receipt card. The Applicants' attorney then FAXED a copy of the return receipt card together with the first and last page of the Amendment and called the Examiner to explain that the Amendment had one number in the Serial No. changed.

The Examiner explained that the Amendment had not come to him otherwise he would have found the apparent error. The Examiner requested that a request to withdraw the notice of Abandonment be filed together with a true copy of the Amendment as filed. The Examiner said he would check to see if the Amendment was in the file of USSN 08/538,866.

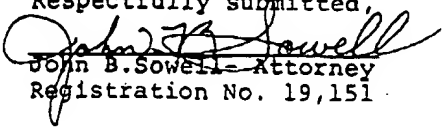
Enclosed please find a true copy of the timely amendment filed by first class mail addressed to the the Commissioner of Patents in Washington, DC 20231 with a certification of mailing stamped thereon.

Applicants respectfully request the the enclosed Amendment be entered and the notice of Abandonment be withdrawn.

TEL (215) 986-5094

Enclosures

Respectfully submitted,

  
John B. Sowell - Attorney  
Registration No. 19,151

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on 15 MAY 1998  
(Date of Deposit)

JOHN B. SOWELL - ATT  
(Name of Applicant, Assignee, or Registered Representative)

  
Signature

16 MAY 1998  
Date of Signature

<b>Notice of Abandonment</b>	Application No. <b>08/888,868</b>	Applicant(s) <b>SHEMIK ET AL</b>
	Examiner <b>CARL D. PRICE</b>	Group Art Unit <b>3743</b>

This application is abandoned in view of:

☒ applicant's failure to timely file a proper response to the Office letter mailed on Sep 19, 1997.

☐ A response (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_, which is after the expiration of the period for response (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.

☐ A proposed response was received on \_\_\_\_\_, but it does not constitute a proper response to the final rejection.  
(A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC)).

☒ No response has been received.

☐ applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.

☐ The issue fee (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_.

☐ The submitted issue fee of \$ \_\_\_\_\_ is insufficient. The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_.

☐ The issue fee has not been received.

☐ applicant's failure to timely file new formal drawings as required in the Notice of Allowability.

☐ Proposed new formal drawings (with a Certificate of Mailing or Transmission of \_\_\_\_\_) were received on \_\_\_\_\_.

☐ The proposed new formal drawings filed \_\_\_\_\_ are not acceptable.

☐ No proposed new formal drawings have been received.

☐ the express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on \_\_\_\_\_.


☐ the letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

☐ the letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

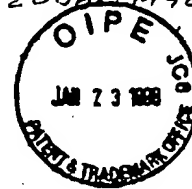
☐ the decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.

☐ the reason(s) below:

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**CARL D. PRICE**  
 PRIMARY EXAMINER  
 ART UNIT 3743

The date and stamp of the USPO herein  
is acknowledgement of receipt of an  
AMENDMENT in a US 510 08/538, 866  
entitled Universal Non-Pneumatically Reinforced  
Combustion Chamber Fingers by Daniel C.  
Shimshel Docket R5-025  
Mailed with certification 20 Jan 1998  
w/ Petition in extension



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